

CIVIL RIGHTS COMPLAINT PURSUANT TO 42 U.S.C. § 1983

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

APR 21 2014

JAMES W. HATTEN, Clerk
By: [Signature] Deputy Clerk

Gerald Blanchard 359559

(Enter above the full name and prisoner identification number of the plaintiff, GDC number if a state prisoner.)

Civil Action No.
1:14-CV-457-RWS-66B

-vs-

Eric Sellers Warden

Mr. Pilgrim Deputy Warden Security

Mr. Perry Unit mgr. lower Units

(Enter above the full name of the defendant(s).)

Counselor Hardgrove, Officer Humble, Officer Spivey, Officer Hannon

I. Previous Lawsuits

A. Have you filed other lawsuits in federal court while incarcerated in any institution?

Yes (X) No ()

B. If your answer to A is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiff(s): Gerald Blanchard

Defendant(s): Dr.

2. Court (name the district):

Northern Gainesville, Ga.

3. Docket Number:

N/A 2007

I. Previous Lawsuits (Cont'd)

4. Name of judge to whom case was assigned: Judge Story?
5. Did the previous case involve the same facts?
- Yes () No (X)
6. Disposition (Was the case dismissed? Was it appealed? Is it still pending?):
Not pending
7. Approximate date of filing lawsuit: 2007
8. Approximate date of disposition: 2009

II. Exhaustion of Administrative Remedies

Pursuant to 28 U.S.C. § 1997e(a), no prisoner civil rights action shall be brought in federal court until all available administrative remedies are exhausted. Exhaustion of administrative remedies is a precondition to suit, and the prisoner plaintiff must establish that he has exhausted the entire institutional grievance procedure in order to state a claim for relief.

- A. Place of Present Confinement: Phillips State Prison
- B. Is there a prisoner grievance procedure in this institution?
- Yes (X) No ()
- C. Did you present the facts relating to your complaint under the institution's grievance procedure?
- Yes (X) No ()
- D. If your answer is YES:
1. What steps did you take and what were the results?
Filed grievances all denied or not re
No answer on appeal.
 2. If your answer is NO, explain why not: _____

III. Parties

(In item A below, place your name in the first blank and place your present address in the second blank.)

A. Name of Plaintiff: Gerald Blanchard GDC# 359559

Address(es): 2989 West Rock Quarry Road,
Buford, Georgia 30519

(In item B below, place the full name of the defendant in the first blank, his/her official position in the second blank, and his/her place of employment in the third blank. Do the same for each additional defendant, if any.)

B. Defendant(s): Eric Sellers, Mr. Pilgrim, Mr. Perry,
Mr. Hardgrove, Officer Hannon, Humble, and Spivey.

Employed as Warden, Deputy Warden Security, Unit
Manager Lower Units, Counselor Lower Units

at Phillips State Prison

IV. Statement of Claim

State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

1. On my letter to this court are listed the facts of the case (Doc. 1). I require a copy of this letter so the facts can be combined with this complaint.

2. On March 31, 2014 I was assaulted by officers Spivey and Humble. ~~Mr~~ Officer Humble choked my throat until I lost consciousness (blacked out). The officers told me to put handcuffs on, then pushed me into cell C1 24 (an empty cell) and strangled me until I passed out. Officer Cooper came to the cell and stopped

IV. Statement of Claim (Cont'd)

the officers from ~~that~~ assaulting me as retaliation from this action. They would not allow me to file grievance or statement form. Medical treated my injuries and security took pictures of my injuries.

3. The morning of March 31, 2014 I tried to speak to the warden when he came in for inspection but when I tried to show him this Courts Order to do the IFP the inspection team pushed me into the back of my cell screaming at me. When I tried to show the Courts Order Unit MGR. Perry said he would "wipe his ass" with the Order to complete the IFP.

4. ~~As~~ As retaliation of this Action and being choked I have been moved to D2 building a level 3 mental health dorm.

5. I need to combine my first letter to this Court with the things listed on this complaint.

6. No yard call in 3 months, excessive force, NO cell clean-up or chemicals to clean cell for weeks. I am on protective custody but I am treated like I did something wrong. Phone 1 time pr. month, \$20.00 store-call limit,

7. On 4.10.14 Counselor Hardgrove stated I had a parole date on 4.18.14, today he came to me and said I have no parole date.

V. Relief

State briefly exactly what you want the Court to do for you. Make no legal arguments. Cite no cases or statutes.

1. Because I was strangled by Officer Humble and Spivey untill I blacked out charges should be brought by the State for excessive use of force.
2. Previously I requested protective custody from the administration here, because of the assault I would ask for an Injunction to offer protection under Federal Custody.
3. Credit for time served as stated in my 1st letter.
4. Explanation why I now have no parole date.
5. Damages for my suffering determined by this Court

V. Relief (Cont'd)

6. Investigation of the PREA and RICO Acts and personal dealings with inmates and drugs as I had stated in my 1st letter.
7. Remove the gang related allegations in my file for being a member of the Aryan Nation which is totally false.
8. Injunction to secure video from Dec. 31, 2013 for evidence of excessive force from Officer Hennon.
9. Injunction to secure video of March 31, 2014 for the strangulation and excessive force of Spivey and Officer Humble.
10. Order to require no harassment.

Signed this 15th day of April, 2014.

Gerald Blanford
Signature of Plaintiff

STATE OF Georgia
COUNTY (CITY) OF _____

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED ON April 15th, 2014
(Date)

Gerald Blanford
Signature of Plaintiff